G.R.S. IX–5]

Previous references. 1923-24 (of file) **File No.** 17-23

cf 199-22-5-6. **Serial Nos.** 16 notes.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for October.

SUBJECT

re replacing of art. 459c. I.A. in place of articles 321, 323, & 324(a) I.A. in connection with Anglo-Persian Treaty.

G. R. S. III-21

General and Revenue Secretariat. | 4+a File No. 17 of 1923

Serial No. 16

Extract from file No. Cts.199-22-5 & 6.

xx xx xx

The rules regarding superannuation pensions contained in articles 321,323 and 324,M.S.R. are elaborate and they can, with advantage, be replaced by article 459, C.S.R. which contains all the necessary provisions in a compact form. The adoption of the ruling in the C.S.R. means the recognition of the general principle that the authority competent to appoint persons is also competent to retire them. If this principle is accepted - and I do not see any objection to accepting it - we may adopt the C.S.R. rule (Art.459) and permit a further decentralisation of the power of ordering retirements.

(Id.) M.N.K./1-5-23.

The proposal of the Financial Secretary is a genral one relating to all Departments and may be approved.

(Id.) K.H./2-5-23.

Extract from submission note of a Member.

xx xx xx

In this connection he also suggests the desirability of recasting the provisions of Articles 321,323 and 324, Mysore Service Regulations, on the

NOTE—Contn. sheet.

1168

G. R. S. III-21

General and Revenue Secretariat. | A+a File No. 17 of 1923.

Serial No.

the lines of the British Indian rules on the subject. The general questions raised by the first secy. may be separately dealt with. X X (Sd.) A.H.H./9-6-23.

Dft. rules on the lines of the revised article 459 C. S. R. The spirit of art 321(a) is retained.

26/9 The comptroller may be consulted about the suitability of the amendment.

If it is necessary to impress on the authorities Competent to return officers the need to bear in mind the principles of Art 321(a) as proposed in the above note above, a note embodying principles contained in the existing note under Art 321 may be added at the end of the revised Article as noted below:

"Though it is presumed in the above
"article that an officer is inefficient
"at 55 years of age Continually and
"at 60 years of age ~~Continually~~
"absolutely, yet it is necessary
"that such presumption should be
"exercised with careful consideration,
"both for the individual who would
"suffer by being deprived of his appointment
"while Capable of discharging his
"duties, and for the finances of the
"State which would suffer were officers
"still efficient, prematurely thrown on the
"pension list."

NOTE—Contn. sheet.

1168

G. R. S. III-2]

General and Revenue Secretariat.

A/fa File No. 17 of 19 23

Serial No.

It is for orders if the non-suggested above may be added in the draft Rule Ship.

If the draft rules & Rule Ship posting are approved, the papers may be submitted for H.H's approval as the proposed revision involves large changes from the existing procedure both as regards enforcement of retirement rules and the delegation of powers of retirement

20/10/23

H.E. Secy)

The proposal involves a wide measure of decentralisation and of the power of ordering extensions of service or retirements from Service is to be conferred as a general rule on all authorities who exercise powers of appointment. The case may be ordered to be circulated.

Dewan) Law advise sent 10.10.23 Secy. 11/10

Much agreed and may be adopted

Secy 20/10/23

DEWAN'S OFFICE
Recd. on OCT 13 1923
Reg. No. 21642

NOTE—Contra sheet.

N.T. 0 mild

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Addenda & Corrigenda to Mysore Service Regulations.

V Edition.

Page 96. Article 321.

AC Std 17-23-16. Substitute the following for the existing article :-

321 (a) Ministerial officers who have attained the age of 55 may be required to retire, but should ordinarily be retained in service so long as they remain efficient until they come under the provisions of clause (e).

(b) Officers, other than ministerial, who have attained the age of 55, should ordinarily be required to retire and should not be retained in service except where unquestionable public grounds for retention exist and there is no doubt as to the physical fitness of the officers.

(c) Each officer's case should be taken up when he is approaching the age of 55 and before the expiry of each extension of service. Extensions shall not be granted for any period exceeding one year at one time.

(d) The powers given by the preceding clauses may be exercised by the authority competent to fill the appointment (if vacant) of the officer who is required to retire or retained in service.

(e) An officer who has attained the age of 60 cannot be retained in the service of Government save in very exceptional circumstances, and with the sanction of the Government.

(f) No claim to compensation from an officer who is required to retire under - the provisions of this article will be - entertained.

Page 97. Article 323.

Cancel this article.

Page 97-99. Article 324.

Cancel this article.

Page 99. Article 325.

Substitute the following for this article.

With a view to the issue of necessary orders regarding the retention or otherwise of officers to whom Article 321 (b) applies, the Audit Officer should on or about the 1st December in each year submit to Government or other authority concerned a list of those who attain the age of 55, or - complete the term for which extension has been - allowed during the next official year.

Page 3c4.

Cancel the item " Delegation of powers ".

Page 329.

Cancel the sub-item " Delegation of power to retain or retire an officer who is 55 years old " under " Superannuation pension ".

approved by
Financial Secretary to Govt.

Proceedings of the Govt.of H.H.

the Manaraja of Mysore.

Order No.

Dated Bangalore

Under the existing rules, the power of permitting non-gazetted subordinates - to remain in service till the age of sixty and that of compelling them to retire at the age of fifty five are delegated only to a limited number of Heads of Departments. With a view to further decentralise this power, and also to simplify the existing - rules relating to superannuation pensions, Government consider it desirable to authorise the general principle that the authority - competent to appoint officers is also - competent to order their retirement and they are accordingly pleased to sanction the amendment to the Mysore Service Regulations as in the appendix to this order.

2. These corrections will be incorporated in the Mysore service Regulations in the usual course.

For Financial Secretary to Govt.

To

The Comptroller to Govt.
" Other Heads of Departments.
" Deputy Commissioners of Dts.
" Other Secretaries to Govt.
Gazette.
Press Table.